Application No.: 10/784,611
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TC Art Unit: 2617
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REMARKS

The foregoing amendment is filed in response to the official action dated June 26, 2006. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 36-49 are currently pending.

Claims 36-49 stand rejected.

Claims 36-42, 45-46, and 48-49 have been amended.

Claim 50 has been added.

The Examiner has rejected claims 36-44 under 35 U.S.C. 103(a) as being unpatentable over Tiliks *et al.* (USP Pub. 2003/0076941) in view of Morriss *et al.* (USP Pub. 2004/0203601). The Applicants respectfully submit, however, that base claims 36 and 43, and the claims depending therefrom, recite non-obvious subject matter that distinguishes over the art of record, and therefore the rejections of claims 36-44 under 35 U.S.C. 103 should be withdrawn.

For example, base claim 36 recites a method of controlling communications from a first wireless communication device that includes the step of storing within a database at least one parameter corresponding to at least one restriction on use of the first wireless communication device for outgoing communications. The restriction includes a time of day restriction defining at

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least one time period during which an outgoing communication from the first wireless communication device is not permitted, an accessibility restriction including at least one identifier associated with a second communication device that *cannot* be reached from the first wireless communication device, and/or a location restriction defining at least one location at which an outgoing communication from the first wireless communication device is not permitted. As recited in claim 36, the parameter is forwarded from the database to the first wireless communication device, *and stored in a memory within the first wireless communication device*. In response to an attempt to initiate a communication from the first wireless communication device to the second communication device, the parameter is retrieved from the memory, and, using a processor within the first wireless communication device, a determination is made as to whether a connection of the communication from the first wireless communication device to the second communication device is contrary to the restriction. In the event the connection from the first wireless communication device to the second communication device is not contrary to the restriction, the communication between the first wireless communication device and the second communication device is allowed. In the event the connection from

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the first wireless communication device to the second communication device is contrary to the restriction, the communication from the first wireless communication device to the second communication device is *prevented* from being completed.

The official communication indicates that the Tiliks reference teaches a method of controlling communications between two communication devices, but is silent regarding the steps of forwarding a parameter from a database to a first wireless communication device, storing the parameter in a memory within the first wireless communication device, and, in response to an attempt to initiate a communication from the first wireless communication device to a second communication device, retrieving the stored parameter from the memory and determining whether to allow a connection of the communication between the first wireless communication device and the second communication device based upon the restriction contained in the stored parameter. The official action goes on to indicate that the Morriss reference teaches activating a restrictive operating mode (an accessibility restriction) of a wireless communication device, including downloading or forwarding a parameter to the wireless device, and storing the parameter information in the device. As indicated in the official action, the wireless device of Morriss *et al.* may be

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programmed to prohibit all use of the wireless device *except for* contacting the restricted target device(s) once the wireless device is placed in the restrictive operating mode.

The Applicants respectfully point out, however, that the parameter disclosed by Morriss *et al.* (*i.e.*, the restrictive mode activation password and possibly other information) does not correspond to an accessibility restriction that includes an identifier associated with a communication device that cannot be reached from a wireless communication device, as recited in base claim 36, but instead corresponds to an accessibility restriction that includes an identification (ID) of, or other contact information for, a restricted target device **107** that can be reached by the wireless device **101** after that device **101** is placed in the restrictive operating mode (see paragraph [0016], and Fig. 1, of Morriss *et al.*). As disclosed in the Morriss reference, if the possessor of the wireless device **101** attempts to initiate a communication after the device **101** is placed in the restrictive operating mode, then the processor **201** within the wireless device **101** may automatically initiate a communication with the restricted target device **107**, which is identified by the ID or other contact information for that device **107** included in the accessibility restriction (see paragraph [0044], and Figs. 1-2, of Morriss *et*

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al.). The Applicants respectfully submit that the Morriss reference neither teaches nor suggests providing an accessibility restriction that includes an identifier associated with a communication device that cannot be reached from a wireless communication device, as recited in claim 36.

The combined teachings of the Tiliks and Morriss references therefore teach a method of controlling communications between a wireless communication device and another communication device that is significantly different from the method of base claim 36. As discussed above, if the possessor of the wireless device of Morriss *et al.* attempts to initiate a communication after the device is placed in the restrictive operating mode, then the device *may* automatically initiate a communication with the restricted target device, as identified by the ID or other contact information for that device included in the accessibility restriction. In contrast, as recited in claim 36, if the connection from the first wireless communication device to the second communication device is contrary to the restriction, *i.e.*, the identifier included in the accessibility restriction is associated with a second communication device that *cannot* be reached from the first wireless communication device, then the communication from the first wireless communication device to the

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second communication device is prevented from being completed. Unlike the combined teachings of the Tiliks and Morriss references, claim 36 recites that *no communication is initiated* by the first wireless communication device with the second communication device if the connection between the two devices is contrary to the restriction corresponding to the stored parameter.

The method taught in the combined teachings of the Tiliks and Morriss references is also different from the method of base claim 36 in the way the wireless device of Morriss *et al.* is placed in the restrictive operating mode. For example, claim 36 recites that the parameter corresponding to the restriction on use of the first wireless communication device is forwarded from a database to the first wireless device, and then stored in a memory of the first wireless device. The Applicants respectfully submit that the parameter of Morriss *et al.* (*i.e.*, the restrictive mode activation password and possibly other information) provided to the Morriss wireless device by a remote programming device is not subsequently stored in memory within the wireless device after it is received by that device, as recited in claim 36, because, in fact, the restrictive mode activation password *has already been previously stored within the wireless device* (see paragraph [0062], lines 14-16, of Morriss *et al.*).

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As disclosed in the Morriss reference, the restrictive mode activation password is preferably stored in the memory **205** by the wireless service provider *at the time of original device activation and provisioning*, by the wireless device manufacturer *at the time of device fabrication*, or by the wireless device owner *through use of the device's user interface **219** prior to the device **101** being lost or stolen* (see paragraph [0040], and Figs. 1-2, of Morriss *et al.*). Morriss *et al.* further disclose that, after receiving the password from the remote programming device **105** over the wireless network infrastructure **103**, the received password is compared with the restrictive mode activation password stored in the memory **205**, and, if the received password matches the stored password, then the processor **201** within the wireless device **101** automatically places the device **101** in the restrictive operating mode (see paragraph [0042], and Figs. 1-2, of Morriss *et al.*). In contrast, the method of base claim 36 places the first wireless communication device in a restrictive mode of operation only *after* an attempt is made to initiate a communication between the first wireless communication device and a second communication device that is contrary to the restriction contained in the stored parameter.

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Because the parameter (*i.e.*, the restrictive mode activation password and possibly other information) received by the Morriss wireless device is not subsequently stored in memory within that device, as recited in base claim 36, the method disclosed by Morriss *et al.* fails to provide the advantages of the method of claim 36. For example, as discussed above, the processor within the wireless device of Morriss *et al.* may automatically place the device in a restrictive operating mode after the device receives the restrictive mode activation password *over the wireless network infrastructure*, so long as the received password matches the password stored in the device memory. In contrast, because the parameter corresponding to the restriction on use of the first wireless communication device is forwarded to that device and then *stored* in the device memory, as recited in claim 36, the first wireless communication device can determine whether or not to place the wireless communications device in a restrictive operating mode, in response to an attempt to initiate a communication with another communication device, by simply accessing the stored parameter and determining whether the communication is contrary to the restriction contained in the stored parameter, *without having to access the wireless network at all*! As a result, unnecessary network traffic is avoided (see

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page 27, line 30, to page 28, line 1, of the application). The Applicants respectfully submit that the Tiliks and Morriss references, taken alone or in combination, neither teach nor suggest this important advantage.

Because neither the Tiliks reference nor the Morriss reference, taken alone or in combination, teaches or suggests a method of controlling communications from a first wireless communication device that includes storing within a database at least one parameter corresponding to at least one restriction on use of the first wireless communication device for outgoing communications, in which the restriction is an accessibility restriction including at least one identifier associated with a second communication device that cannot be reached from the first wireless communication device, forwarding the parameter from the database to the first wireless communication device, storing the parameter in a memory within the first wireless communication device, and, in response to an attempt to initiate a communication from the first wireless communication device to the second communication device, retrieving the parameter from the memory and using it to determine whether a connection of the communication from the first wireless communication device to the second communication device is contrary to the restriction, as recited in

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base claim 36, the Applicants respectfully submit that the combined teachings of the Tiliks and Morriss references would not suggest to one of ordinary skill in this art at the time of the invention the subject matter of claim 36 and the claims depending therefrom. For at least the reasons discussed above with reference to claim 36, the Applicants further submit that the combined teachings of the Tiliks and Morriss references would not suggest to one skilled in this art the subject matter of base claim 43 and claim 44 depending therefrom. Accordingly, it is respectfully submitted that the rejections of claims 36-44 under 35 U.S.C. 103 are unwarranted and should be withdrawn.

The Examiner has rejected claims 45 and 48-49 under 35 U.S.C. 103(a) as being unpatentable over Awada *et al.* (USP Pub. 2003/0050044) in view of Bedingfield *et al.* (USP Pub. 2004/0110465). The Applicants respectfully submit, however, that base claim 45, as amended, and the claims depending therefrom, recite non-obvious subject matter that distinguishes over the art of record, and therefore the rejections of claims 45 and 48-49 under 35 U.S.C. 103 should be withdrawn.

For example, amended base claim 45 recites a system for controlling usage of a wireless device that includes at least one server operable to execute a billing process for controlling

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billing of at least one call involving the wireless device and to execute a supervisory process for controlling usage of the wireless device, and at least one first database containing billing parameters and predetermined billing criteria applicable to the wireless device, in which the first database is accessible by the server during execution of the billing process. The billing process is operative to permit a billing administrator to establish the billing parameters and the predetermined billing criteria in the first database. The system further includes a second database containing at least one restriction parameter defining at least one restriction on the use of the wireless device. The supervisory process is operative to permit an account supervisor having secure access rights to the second database to specify the restriction parameter. As recited in amended claim 45, the billing process is operative to determine if the call is connectable based upon the billing parameters and the predetermined billing criteria, and the supervisory process is operative to determine if the call is connectable based upon whether the call, if connected, would violate the restriction on the use of the wireless device. In the event the billing process or the supervisory process determines that the call involving the wireless device is not connectable, the system prevents the call

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involving the wireless device from being connected. In the event both the billing process and the supervisory process determine that the call involving the wireless device is connectable, the system allows the call involving the wireless device to be connected.

The official action indicates that the Awada reference teaches a system for controlling the usage of a wireless phone that includes a first server for executing a billing process, and a first database containing billing parameters applicable to the wireless device. The Applicants respectfully point out, however, that Awada *et al.* do not disclose a database containing billing parameters and predetermined billing criteria applicable to a wireless device, as recited in amended base claim 45. Instead, Awada *et al.* disclose a wireless telephone system including a mobile wireless telephone for receiving and sending a plurality of data telecommunications, in which the wireless phone has means for storing the quantity of times of the plurality of data telecommunications. As disclosed by Awada *et al.*, whenever a user wishes to check on his or her various time period billing totals, he or she can display these on the cell phone display where he/she gets his/her exact billing totals (see paragraphs [0006] and [0019] of Awada *et al.*). Clearly, time period billing totals are

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not the same as billing parameters and predetermined billing criteria applicable to a wireless device, as recited in amended claim 45. As described in the instant application, billing parameters in the present context are parameters such as call rating data (see page 51, line 8, of the application).

In addition, the official action indicates that the Bedingfield reference teaches first and second servers containing/maintaining records of call usages and executing a billing process involving time duration, and first and second server databases **54** and **56** (see Figs. 2-3 of Bedingfield *et al.*). The Applicants respectfully point out, however, that neither the first database **54** nor the second database **56** of Bedingfield *et al.* contain billing parameters and predetermined billing criteria applicable to a wireless device, as recited in amended base claim 45. Further, neither the first database **54** nor the second database **56** of Bedingfield *et al.* contain at least one restriction parameter defining at least one restriction on the use of the wireless device, as recited in amended claim 45. Instead, both the first database **54** and the second database **56** are associated with algorithms, which are operable for associating a wire line or virtual telephone number with another telephone number, such as another wire line telephone number, a wireless telephone number,

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or a packet voice-based telephone number. As disclosed by Bedingfield *et al.*, the first database **54**, the second database **56**, and the associated algorithms are operable for associating a wire line telephone number with a wireless telephone number associated with a subscriber. Such a database configuration is useful in a system for providing advanced telephony services to subscribers in telecommunications systems lacking the infrastructure to support these advanced services by accessing capabilities in other networks that can provide such services (see paragraphs [0011] and [0037] of Bedingfield *et al.*). The Applicants further submit that like the Bedingfield reference, the Awada reference neither teaches nor suggests a database containing at least one restriction parameter defining at least one restriction on the use of a wireless device, as recited in amended claim 45.

Because it is advantageous to provide access to such wireless device use restrictions to authorized individuals only, the supervisory process of amended base claim 45 is operative to permit an account supervisor having secure access rights to the second database to specify the restriction parameters, as recited in amended claim 45. As discussed above, neither the Awada reference nor the Bedingfield reference, taken alone or in combination, teaches or suggests a database containing a

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restriction parameter defining a restriction on the use of a wireless device, as recited in amended claim 45. Accordingly, neither Awada *et al.* nor Bedingfield *et al.* teach or suggest a supervisory process operative to permit an account supervisor having *secure access rights* to the second database to specify the restriction parameters, as recited in amended claim 45. Similarly, neither Awada *et al.* nor Bedingfield *et al.* teach or suggest a billing administrator having *defined access rights* to the billing parameters and criteria contained in the first database, as recited in new claim 50. As recited in claim 50, the access rights of the account supervisor are different from the access rights of the billing administrator.

Because neither the Awada reference nor the Bedingfield reference, taken alone or in combination, teaches or suggests a system for controlling usage of a wireless device that includes a server operable to execute a billing process and a supervisory process, a first database containing billing parameters and predetermined billing criteria applicable to the wireless device, and a second database containing at least one restriction parameter defining at least one restriction on the use of the wireless device, in which the supervisory process is operative to permit an account supervisor having secure access rights to the

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second database to specify the restriction parameter, the billing process is operative to determine if the call is connectable based upon the billing parameters and the predetermined billing criteria, and the supervisory process is operative to determine if the call is connectable based upon whether the call, if connected, would violate the restriction on the use of the wireless device, as recited in amended base claim 45, the Applicants respectfully submit that the combined teachings of the Awada and Bedingfield references would not suggest to one of ordinary skill in this art at the time of the invention the subject matter of amended claim 45 and the claims depending therefrom. Accordingly, it is respectfully submitted that the rejections of claims 45 and 48-49 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected dependent claims 46-47 under 35 U.S.C. 103(a) as being unpatentable over Awada *et al.* in view of Bedingfield *et al.* and further in view of Mehta *et al.* (USP Pub. USP Pub. 2002/0128984). The Applicants respectfully submit, however, that the Mehta reference fails to cure the deficiencies of the Awada and Bedingfield references, and therefore the combined teachings of the Awada, Bedingfield, and Mehta references would not suggest to one skilled in this art the subject matter of dependent claims 46-47. Accordingly, it is respectfully submitted

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that the rejections of dependent claims 46-47 under 35 U.S.C. 103 should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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